

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FILED IN OPEN COURT  
ON 8/11/15  
Julie Richards Johnston, Clerk  
US District Court  
Eastern District of NC  
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NO. 5:14-CR-287-H

UNITED STATES OF AMERICA :  
:  
v. :  
:  
ALPHIN BROTHERS, INC. :

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, Alphin Brothers, Inc., on February 10, 2015, the following property is hereby forfeitable pursuant to 16 U.S.C. § 3374, and Title 28, United States Code, Section 2461, to wit: 14,250 lbs. of shrimp located at Gulf Crown Seafood, in Delcambre, LA; and 7,200 lbs. of shrimp located at Southern Cold Storage in Baton Rouge, LA., a substantial portion of that identified in Count One of the Criminal Information; and

WHEREAS, by virtue of said Memorandum of Plea Agreement and the defendant's agreement therein, the United States is now entitled to possession of said property pursuant to Fed. R. Crim. P. 32.2(b) (3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to

the defendant, Alphin Brothers, Inc., the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the

petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 11<sup>th</sup> day of August, 2015.

  
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MALCOLM J. HOWARD  
Senior United States District Judge